

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

ROYCE K. HOHN,)
Plaintiff,)
)
v.) **Civil No. 1:08CV91**
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant.)

ORDER

THIS MATTER is before the Court on the parties' consent motion to enter a judgment reversing the decision of Defendant Michael Astrue, Commissioner of Social Security, along with a remand of the cause for further administrative proceedings, pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the Commissioner will assign this matter to an Administrative Law Judge ("ALJ") who will obtain vocational expert testimony as to the existence of any occupations in the national economy based on all of the limitations, both exertional and nonexertional, that the ALJ assessed in his residual functional capacity finding. Before relying on such testimony at step five of the sequential evaluation process, the ALJ will identify and obtain a reasonable explanation from the vocational expert for any conflicts between the vocational expert's testimony and the information provided in the *Dictionary of Occupational Titles* pursuant to Social Security Ruling 00-4p. Further, the ALJ will explain in his decision how any such conflict was identified and resolved, pursuant to Social Security Ruling 00-4p.

Pursuant to the power of this Court to enter a judgment reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g) and

with the parties' consent,

IT IS, THEREFORE, ORDERED that the parties' consent motion is **ALLOWED**.

IT IS FURTHER ORDERED that the Commissioner's decision is hereby **REVERSED** pursuant to sentence four of 42 U.S.C. § 405(g), and the case is hereby **REMANDED** to the Commissioner for further proceedings. *See Melkonyan v. Sullivan, 501 U.S. 89 (1991)*.

The Clerk shall prepare an appropriate Judgment in accordance herewith.

Signed: July 31, 2008



Lacy H. Thornburg
United States District Judge

